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James F. Hann

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: WILLIAM R. DUBRUL and RICHARD E. FULTON	Attorney Docket No.: ARTM 1008-5
Application No.: 09/781,721	Examiner: Catherine Serke
Filed: 12 February 2001	Group: 3763
Title: DILATING AND SUPPORT APPARATUS WITH DISEASE INHIBITORS AND METHODS FOR USE	Confirmation No.: 8945

Commissioner for Patents
Washington, D.C. 20231

RESPONSE

This is in response to the Office Action mailed 4 October 2002. A petition for a two-month extension of time to respond, from 4 January 2003-4 March 2003, is forwarded with this Response.

REMARKS

Claims 26-32 and 33-38 remain in this case. Restricted-out claim 27 has been withdrawn from consideration.

Claims 26, 28-30 and 32 were rejected as anticipated by Shapland '306 while claims 34-36 and 38 were rejected as anticipated by Theron '005. Claim 31 was rejected as anticipated by Shapland '306 in view of Wolff '535. Claim 37 was rejected as obvious over Theron '005 in view of Wolff '535.

The claims were also rejected under an obviousness-type double patenting rejection over U.S. Patent No. 6,450,989. However, this application is a divisional application of U.S. Patent No. 6,450,989 so that this rejection is apparently improper.